# HOUSE OF REPRESENTATIVES Roll Call STATE ADMINISTRATION COMMITTEE

DATE: 03/27/07

NAME	PRESENT	ABSENT/ EXCUSED
REP. DENNIS HIMMELBERGER, CHAIR	X	
REP. DUANE ANKNEY, VICE CHAIR	X	,
REP. HAL JACOBSON, VICE CHAIR	, ×	
REP. DEBBY BARRETT	<b>/</b> X	
REP. GARY BRANAE	×	
REP. MARY CAFERRO	X	·
REP. SUE DICKENSON	X	
REP. GORDON HENDRICK	X	
REP. TERESA HENRY	X	
REP. PAT INGRAHAM	X	
REP. BILL JONES	X	
REP. BRUCE MALCOM	X	
REP. WALTER MCNUTT	X	·
REP. ALAN OLSON	$\times$	
REP. MIKE PHILLIPS	$\times$	
REP. SCOTT SALES		×
REP. VERONICA SMALL-EASTMAN	X	
REP. FRANKE WILMER	X	



March 27, 2007 Page 1 of 4

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 71 (third reading copy -- blue) be concurred in as amended.

Signed: Himmelberger, Chair

To be carried by Representative Alan Olson

#### And, that such amendments read:

1. Page 3.

Following: line 19

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If Senate Bill No. 47 is passed and approved and if it includes a section that amends 2-4-302, then [section 1 of this act], amending 2-4-302, is void and 2-4-302 is amended to read as follows:

"2-4-302. Notice, hearing, and submission of views. (1) (a) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its intended proposed action. The proposal notice must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the reasonable necessity for the intended proposed action, and the time when, place where, and manner in which interested persons may present their views on the intended proposed action. The reasonable necessity must be written in plain, easily understood language.

(b) The agency shall state in the proposal notice the date on which and the manner in which notification was given to the primary sponsor as required in subsection (2)(d). If the notification to the primary sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification was mailed by the agency. If the proposal notice fails to state the date on which and the manner in which the primary sponsor was notified, the filing of the proposal notice under subsection (2)(a) is ineffective for the purposes of this part and for the purposes of the law that the agency cites in the

Committee Vote: Yes 18, No 0 Fiscal Note Required

651145SC.hjd jbn 3128/07 proposal notice as the authority for the proposed action.

- (c) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefit, the notice must include an estimate, if known, of:
- (a)(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and (b)(ii) the number of persons affected.
- (2) (a) The proposal notice must be filed with the secretary of state for publication in the register, as provided in 2-4-312, and mailed within. Within 3 days of publication, to the sponsor of the legislative bill that enacted the section that is cited as implemented in the notice if the notice is the initial proposal to implement the section a copy of the published proposal notice must be sent to interested persons who have made timely requests to the agency to be informed of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member of those entities who has filed a request with the appropriate administrative rule review committee when the request has been forwarded to the agency as provided in subsection (2)(b). Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection if it includes in the proposal notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).
- (b) The appropriate administrative rule review committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to the agencies that the committee oversees that publish rulemaking notices in the register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.
- (c) The <u>proposal</u> notice required by <u>subsections</u> <u>subsection</u>
  (1) and (2) (a) must be published and <u>mailed</u> at least 30 days in advance of the agency's <u>intended</u> <u>proposed</u> action. <u>In addition to publishing and mailing the notice under subsection (2) (a), the <u>The</u> agency shall post the <u>proposal</u> notice on a state electronic access system or other electronic communications system available to the public.</u>
- (d) The (i) When an agency shall also, at the time that its personnel begin begins to work on the substantive content and the wording of the initial rule a proposal to implement one or more statutes that enacted the section notice for a rule that initially implements legislation, the agency shall notify the legislator who was the primary sponsor of the legislation. If the legislation affected more than one program, notice must be given to the sponsor pursuant to this subsection (2) (d) each time that

a rule is being proposed to initially implement the legislation for a program.

- (ii) Within 3 days after a proposal notice covered under subsection (2)(d)(i) has been published as required in subsection (2)(a), a copy of the published notice must be sent to the primary sponsor notified under subsection (2)(d)(i).
- (3) If a statute provides for a method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained in this section. However, the notice period may not be less than 30 days or more than 6 months.
- (4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 days' notice of a hearing and at least 28 days from the day of the original notice to submit data, views, or arguments, orally or in writing. If an amended or supplemental notice is filed, additional time may be allowed for oral or written submissions. In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.
- (5) An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing in this section alters that requirement.
- (6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.
- (7) At the commencement of a hearing on the intended action, the person designated by the agency to preside at the hearing shall:
- (a) read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the register; and
- (b) inform the persons at the hearing of the provisions of subsection (2)(a) and provide them an opportunity to place their names on the list.
- (8) For purposes of notifying <u>primary</u> sponsors under subsections (2)(a) and (2)(d) who are no longer members of the legislature, a former legislator who wishes to receive notice may keep the former legislator's name, address, and telephone number on file with the secretary of state. An agency proposing rules shall consult the register when providing sponsor notice.""

  Renumber: subsequent sections

#### **COMMITTEE FILE COPY**

#### **TABLED BILL**

The **HOUSE STATE ADMINISTRATION COMMITTEE** TABLED **SB 117**, by motion, on **Tuesday, March 27**, **2007**.

(For the Committee)

(Chief Clerk of the House)

3:05/ 327 (Time) (Date)

March 27, 2007

Dee A. Barfknecht, Secretary

Phone: x4838



March 27, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 279 (third reading copy -- blue) be concurred in.

Signed: King Clarely Representative Dennis Himmelberger, Chair

To be carried by Representative Franke Wilmer

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required \_\_\_\_



March 27, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 285 (third reading copy -- blue) be concurred in.

Signed: Manually Representative Dennis Himmelberger, Chair

To be carried by Representative Hal Jacobson

- END -

Committee Vote:
Yes 11, No 7
Fiscal Note Required \_\_\_\_



March 27, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 299 (third reading copy -- blue) be concurred in.

Signed: Representative Dennis Himmelberger, Chair

To be carried by Representative Diane Rice

- END -

Committee Vote:
Yes 14, No 4
Fiscal Note Required \_\_\_\_



March 27, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 502** (third reading copy -- blue) **be concurred in**.

Signed: Jems Commis Himmelberger, Chair

To be carried by Representative Pat Ingraham

- END -

Committee Vote:
Yes 16, No 2
Fiscal Note Required



March 27, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 517 (third reading copy -- blue) be concurred in.

Signed: Manuel M

To be carried by Representative Pat Ingraham

- END -

Committee Vote:
Yes 12, No 6
Fiscal Note Required \_\_\_\_

#### **COMMITTEE FILE COPY**

#### **TABLED BILL**

The **HOUSE STATE ADMINISTRATION COMMITTEE** TABLED **HB 827**, by motion, on **Tuesday, March 27**, **2007**.

(For the Committee)

(Chief Clerk of the House)

\_*d;0*5/\_\_ (Time)

(Date)

March 27, 2007

Dee A. Barfknecht, Secretary

Phone: x4838

#### **COMMITTEE FILE COPY**

#### **TABLED BILL**

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED SB 752, by motion, on Tuesday, March 27, 2007.

(For the Committee)

March 27, 2007

Dee A. Barfknecht, Secretary

Phone: x4838

/ STATE ADMINISTRATION COMMITTEE

DATE 03/	27/	07 BILL NO SB //7 MOTION NO. 3
MOTION:_		TO TABLE

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR	X		
REP. DUANE ANKNEY, VICE CHAIR	X		·
REP. HAL JACOBSON, VICE CHAIR		X	
REP. DEBBY BARRETT	X		X
REP. GARY BRANAE		X	
REP. MARY CAFERRO		X	
REP. SUE DICKENSON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	7	X	
REP. PAT INGRAHAM	X		
REP. BILL JONES	,	X	
REP. BRUCE MALCOM	X		
REP. WALTER MCNUTT	X		
REP. ALAN OLSON	X		
REP. MIKE PHILLIPS		X	
REP. SCOTT SALES	X		X =
REP. VERONICA SMALL-EASTMAN		X	
REP. FRANKE WILMER		X	

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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR		×	
REP. DUANE ANKNEY, VICE CHAIR		X	
REP. HAL JACOBSON, VICE CHAIR	X		
REP. DEBBY BARRETT		X	X
REP. GARY BRANAE	X		
REP. MARY CAFERRO	X		
REP. SUE DICKENSON	X		
REP. GORDON HENDRICK		X	
REP. TERESA HENRY	X		
REP. PAT INGRAHAM		X	
REP. BILL JONES	X		
REP. BRUCE MALCOM		X	
REP. WALTER MCNUTT		X	
REP. ALAN OLSON		X	
REP. MIKE PHILLIPS	X		
REP. SCOTT SALES		X	X
REP. VERONICA SMALL-EASTMAN	X		
REP. FRANKE WILMER	X		

STATE ADMINISTRATION COMMITTEE
67 BILL NO 56 // 7 MOTION NO. 5

MOTION:	To	TABLE	
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR	×		
REP. DUANE ANKNEY, VICE CHAIR	X		
REP. HAL JACOBSON, VICE CHAIR	· · · · · · · · · · · · · · · · · · ·	X	
REP. DEBBY BARRETT	X		X
REP. GARY BRANAE		X	
REP. MARY CAFERRO		X	
REP. SUE DICKENSON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	
REP. PAT INGRAHAM	X		
REP. BILL JONES	X		
REP. BRUCE MALCOM	X		
REP. WALTER MCNUTT	X		
REP. ALAN OLSON	X		
REP. MIKE PHILLIPS		X	
REP. SCOTT SALES	X		X
REP. VERONICA SMALL-EASTMAN		X	
REP. FRANKE WILMER		X	

CARRIES

STATE ADMINISTRATION COMMITTEE

	ON THE	AMEL	DMENT
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR		×	
REP. DUANE ANKNEY, VICE CHAIR	×	·	
REP. HAL JACOBSON, VICE CHAIR		×	
REP. DEBBY BARRETT	×		
REP. GARY BRANAE		X	
REP. MARY CAFERRO	X		
REP. SUE DICKENSON	X		
REP. GORDON HENDRICK		X	
REP. TERESA HENRY		X	
REP. PAT INGRAHAM	X		
REP. BILL JONES		X	
REP. BRUCE MALCOM	,	X	
REP. WALTER MCNUTT		X	
REP. ALAN OLSON	X		
REP. MIKE PHILLIPS		X	
REP. SCOTT SALES		X	X
REP. VERONICA SMALL-EASTMAN	X		
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DATE 03/27/07 BILL NO 5 8 285 MOTION NO. \_ |

MOTION: BE CONCURRED IN					
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes		
REP. DENNIS HIMMELBERGER, CHAIR		×			
REP. DUANE ANKNEY, VICE CHAIR	X				
REP. HAL JACOBSON, VICE CHAIR	X				
REP. DEBBY BARRETT	<del>, , , , , , , , , , , , , , , , , , , </del>	X			
REP. GARY BRANAE	X				
REP. MARY CAFERRO	X				
REP. SUE DICKENSON	X				
REP. GORDON HENDRICK		X			
REP. TERESA HENRY	X				
REP. PAT INGRAHAM		X			
REP. BILL JONES	X				
REP. BRUCE MALCOM		X			
REP. WALTER MCNUTT	X				
REP. ALAN OLSON		X			
REP. MIKE PHILLIPS	X				
REP. SCOTT SALES		X			

REP. VERONICA SMALL-EASTMAN

REP. FRANKE WILMER

DATE 03/27/07 BILL NO 5B 299 MOTION NO. \

MOTION: 'BE CONCURRED IN				
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes	
REP. DENNIS HIMMELBERGER, CHAIR	×		·	
REP. DUANE ANKNEY, VICE CHAIR	×			
REP. HAL JACOBSON, VICE CHAIR	X			
REP. DEBBY BARRETT	X	·		
REP. ĢARY BRANAE	X			
REP. MARY CAFERRO	X			
REP. SUE DICKENSON	X			
REP. GORDON HENDRICK	X			
REP. TERESA HENRY	×		×	
REP. PAT INGRAHAM		X		
REP. BILL JONES	X			
REP. BRUCE MALCOM		X		
REP. WALTER MCNUTT	X			
REP. ALAN OLSON		X		
REP. MIKE PHILLIPS	X			
REP. SCOTT SALES		X	X	
REP. VERONICA SMALL-EASTMAN	X			
REP. FRANKE WILMER	X			

MRRIES

#### HOUSE OF REPRESENTATIVES

#### Roll Call Vote

DATE O3/27/Q7 BILL NO 5/2 5/7 MOTION NO.

MOTION:

BE CONCURRED **NAME** If Proxy Vote, check AYE NO here & include signed Proxy Form with minutes REP. DENNIS HIMMELBERGER, CHAIR REP. DUANE ANKNEY, VICE CHAIR REP. HAL JACOBSON, VICE CHAIR REP. DEBBY BARRETT REP. GARY BRANAE REP. MARY CAFERRO REP. SUE DICKENSON REP. GORDON HENDRICK REP. TERESA HENRY REP. PAT INGRAHAM REP. BILL JONES REP. BRUCE MALCOM REP. WALTER MCNUTT REP. ALAN OLSON REP. MIKE PHILLIPS REP. SCOTT SALES REP. VERONICA SMALL-EASTMAN REP. FRANKE WILMER

CARRIES

DATE 03/27/07 BILL NOSR 827 MOTION NO. (

MOTION: 7	DO	PASS	
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR		X	
REP. DUANE ANKNEY, VICE CHAIR		X	
REP. HAL JACOBSON, VICE CHAIR		X	
REP. DEBBY BARRETT	X		
REP. ĢARY BRANAE		X	
REP. MARY CAFERRO		X	
REP. SUE DICKENSON		X	
REP. GORDON HENDRICK		X	-8.
REP. TERESA HENRY		X	
REP. PAT INGRAHAM	·	X	
REP. BILL JONES		X	
REP. BRUCE MALCOM	X		
REP. WALTER MCNUTT		X	
REP. ALAN OLSON		X	
REP. MIKE PHILLIPS		X	
REP. SCOTT SALES	X		X
REP. VERONICA SMALL-EASTMAN		X	
REP. FRANKE WILMER		X	

### HOUSE OF REPRESENTATIVES

#### Roll Call Vote

DATE 03 27 07 BILL NO HB 752 MOTION NO. 1

MOTION:	TD	REWA	ISIDER
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR	X		
REP. DUANE ANKNEY, VICE CHAIR	X		
REP. HAL JACOBSON, VICE CHAIR		X	
REP. DEBBY BARRETT	X	·	
REP. ĢARY BRANAE		X	
REP. MARY CAFERRO		×	
REP. SUE DICKENSON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	
REP. PAT INGRAHAM	X		
REP. BILL JONES	X		
REP. BRUCE MALCOM		X	
REP. WALTER MCNUTT	×	,	
REP. ALAN OLSON	У		
REP. MIKE PHILLIPS	X		
REP. SCOTT SALES			
REP. VERONICA SMALL-EASTMAN	X		
REP. FRANKE WILMER		Y	

STATE ADMINISTRATION COMMITTEE

DATE 03/	27/07	BILL NO 43 752 MOTION NO.	2
MOTION:			,
		DO PAS	5

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DENNIS HIMMELBERGER, CHAIR	X		
REP. DUANE ANKNEY, VICE CHAIR	X		
REP. HAL JACOBSON, VICE CHAIR		X	
REP. DEBBY BARRETT	X		
REP. GARY BRANAE		X	
REP. MARY CAFERRO		X	
REP. SUE DICKENSON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	·
REP. PAT INGRAHAM		X	
REP. BILL JONES		X	
REP. BRUCE MALCOM	. :	X	
REP. WALTER MCNUTT	X		
REP. ALAN OLSON	X		
REP. MIKE PHILLIPS		X	
REP. SCOTT SALES	X		X
REP. VERONICA SMALL-EASTMAN		X	
REP. FRANKE WILMER		X .	

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Committee because of other con	mmitm	ients. I	desire	to leave my pro	xy vote with:		
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